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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
TWENTY-FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION; AND
CERTIFICATE OF SERVICE**

Date of Hearing: August 21, 2009
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 LOAN BECAUSE THE USACM TRUST CONTENDS THAT YOU HAVE BEEN
2 PAID IN FULL FOR YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION
3 WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
4 INVESTMENT IN A DIFFERENT LOAN.

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
7 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
8 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING
9 GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.

10 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed its
11 Twenty-First Omnibus Objection to Proofs of Claim Based for Lack of Documentation
12 (the "Objection"). Your Proof of Claim number and other information regarding your
13 claim is provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested
14 that this Court enter an order, pursuant to Bankruptcy Code § 502 and Bankruptcy Rule
15 3007, disallowing your Proof of Claim for lack of documentation.

16 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
17 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
18 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
19 **August 21, 2009, at the hour of 9:30 a.m.**

20 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST
21 **21, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
22 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
23 **HEARD ON THAT DATE.**

24 NOTICE IS FURTHER GIVEN that any response to the Objection must be filed
25 by August 14, 2009, pursuant to Local Rule 3007(b), which states:
26

1 If an objection to a claim is opposed, a written response must be filed and
2 served on the objecting party at least 5 business days before the scheduled
3 hearing. A response is deemed sufficient if it states that written
4 documentation in support of the proof of claim has already been provided to
5 the objecting party and that the documentation will be provided at any
6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: July 22, 2009.

16 LEWIS AND ROCA LLP

17 By /s/ John Hinderaker Rob Charles (#18024)
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19 John C. Hinderaker, AZ 18024 (*pro hac vice*)
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24 E-mail: rcharles@lrlaw.com
25 *Attorneys for the USACM Liquidating Trust*

26 Copy of the foregoing mailed by first class
postage prepaid U.S. Mail on
July 22, 2009 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell
Renee L. Creswell
Lewis and Roca LLP